

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/2/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

JOSEPH STEELE,

Defendant.
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15 CR 836 (VM)
ORDER

VICTOR MARRERO, U.S.D.J.:

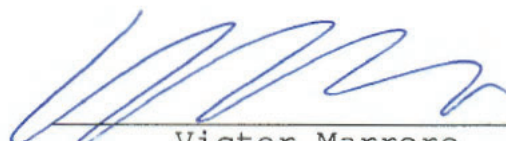
The Court received a pro se letter from defendant Joseph Steele ("Steele") on June 1, 2022. (See Dkt. No. 103.) Steele stated that the Supreme Court's decision in United States v. Borden, 141 S. Ct. 1817 (2021) is retroactive to his conviction. Steele requested an extension of time to challenge his conviction under Borden.

Steele has already filed one motion for postconviction relief pursuant to 28 U.S.C. Section 2255. (See Case No. 20 Civ. 1151.) Any new motion would be considered a second or successive motion governed by 22 U.S.C. Sections 2244 and 2255(h). Under these statutes, a second or successive motion must rely on "a new rule of constitutional law," not statutory law. 22 U.S.C. §§ 2255(h)(2), 2244(b)(2)(A) (emphasis added). Borden announced an interpretation of statutory law and not a new constitutional rule. Finding that any challenge under Borden would thus be denied, the Court finds an extension of time to be futile. Steele's request is DENIED.

The Clerk of Court is respectfully directed to mail a copy of this Order to Joseph Steele, Reg. No. 73353-054 at F.C.I. Hazelton, P.O. Box 5000, Bruceton Mills, WV 26525.

SO ORDERED:

Dated: New York, New York
June 2, 2022



Victor Marrero
U.S.D.J.